

REMARKS

Claims 1-26 have been presented for examination. Applicant would like to thank the Examiner for identifying the allowable subject matter.

Claim Rejections - 35 USC §103

Claims 1-6, 10-15, 17 and 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 6,574,240 ("Tzeng") in view of US patent No. 6,567,195 ("Ford et al.") and US patent No. 5,892,768 ("Jeng"). Applicants respectfully traverse these rejections.

There are three basic criteria to establish a *prima facie* case of obviousness under 35 U.S.C. §103(a). First, there must be some suggestion or motivation in the cited references to modify or combine their teachings; second, there must be reasonable expectation of success; and third, the prior art references must teach or suggest all the claim limitations. See M.P.E.P §2142. As to claim 11, the combination of cited references does not teach each and every limitation of claim 11.

As to claim 11, the Examiner has repeated the previous rejection as to Tzeng; however, the Examiner has replaced Karpoff reference with Ford et al. as teaching the fiber interface stating that Applicant's arguments with respect to claims 1-26 are moot in view of the "new grounds" of rejections. Applicants respectfully point to the Examiner that in the previous response, Applicants explained that Tzeng itself does not teach each and every element that the Examiner cited in the previous communication and the current office action basically repeats the same rejection without any response. Thus, Applicants' arguments in the previous response were not moot and Applicants respectfully resubmit the argument as follows.

As to claim 11, the Examiner has stated that Tzeng teaches "a plurality of transmitters (20) coupled to the L2/L3 switch (25) and a plurality of receivers (20) coupled to the L2/L3 switch (25) (See Fig. 1, Col. 3, lines 16-41)." (Emphasis added). Applicant respectfully point to the Examiner that claim 11 recites two distinct elements 1) a plurality of transmitters, and 2) a plurality of receivers; however, the Examiner has cited a single element 20 for transmitters and receivers. According to Tzeng, "[t]he MAC module 20 transmits and receives data packets to

the associated network stations 14 across 10/100 Mbps physical layer (PHY) transceivers (not shown) according to IEEE802.3u protocol.” (Col. 3, lines 31-34, emphasis added). Thus, there is only one module that performs the function of transmitting and receiving. In fact, Tzeng further describes the architecture and functioning of port 20 in figure 5 and corresponding description. As shown in figure 5, Tzeng teaches that port 20 performs the processing of incoming and outgoing packets. In contrast, claim 11 recites plurality of transmitters and plurality of receivers, which is not taught by Tzeng. Therefore, the combination of cited references does not teach or suggest all the claim limitations. Accordingly, claim 11 is patentably distinguishable from the combination of cited references.

Further as to the fiber interface as recited in claim 11, citing Ford et al. the Examiner has stated that “A person of ordinary skill in the art would have been motivated to employ Ford et al. in Tzeng in order to obtain a method and network switch for performing layer 2 and layer 3 switching in a gigabit network and to take advantage of using a fiber interface for a gigabit network in claim 11.” (Emphasis added).

Applicants respectfully point to the Examiner that first, Ford et al. is directed to modifying a network interface card that is installed in remote computers 100 (figure 1), which correspond to network stations 14 of Tzeng. Second, Ford et al. assumes that the switch 104 is a centralized optoelectronic switch. Third, Ford et al. assumes that the optoelectronic switch 104 includes optical modulators (transceivers) 105 that are configured to process optical signals; and finally, Ford et al. updates the computer interface such that the need for integrating certain optical components at corresponding optical modulator is eliminated. Nowhere in Ford et al. there is a suggestion or teaching of using the optical interface as an interface for systems like Tzeng. In fact, there cannot be such suggestion because for Ford et al. the switch must already be an optoelectronic switch. Thus, a person of ordinary skill in the art would not be motivated to employ Ford et al. in Tzeng as the Examiner has asserted. Accordingly, claim 11 is further patentably distinguishable from the combination of cited references.

Claim 17 has been rejected in the manner of claim 11, accordingly, claim 17 is patentably distinguishable from the combination of cited references for at least the same reasons as claim 11. Further, the Examiner has cited the very same means 20 in Tzeng against

two distinct first and second pluralities of means recited in claim 17. Therefore, Tzeng does not teach each and every limitation of claim 17 as required under 37 USC §103. Accordingly, claim 17 is further patentably distinguishable from the combination of cited references.

Claims 1 and 20-22 have been rejected in the manner of claim 11, accordingly, claims 1 and 20-22 are patentably distinguishable from the combination of cited references for at least the same reasons as claim 11.

Regarding claim 2, the Examiner has cited PHY (28) of Tzeng as teaching everything that is recited in claim 2. Applicants respectfully point to the Examiner that the cited reference must teach, or suggest each and every element of the claims. The Examiner has cited Fig. 1, Col. 1, line 65 to Col. 2, line 4 of Tzeng for claim 2. Applicants respectfully point to the Examiner that the cited section actually refers to the port filter 24 that determines which packet needs to go to which level processing in the switch. Thus, nowhere in the cited reference Tzeng describe an A/D and an up converter as recited in claim 2. Accordingly claim 2 is further patentably distinguishable from the cited references.

Claims 3-6, 10, 12-15 and 23-25 have been rejected in the manner of claim 11, accordingly, claims 3-6, 10, 12-15 and 23-25 are patentably distinguishable from the combination of cited references for at least the same reasons as claim 11.

Applicant believes this application and the claims herein to be in a condition for allowance. Should the Examiner have further inquiry concerning these matters, please contact the below named attorney for Applicant.

Respectfully submitted,



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